

**TOWN OF EAST FISHKILL
PLANNING BOARD SPECIAL MEETING
July 12, 2022**

John Eickman called the meeting to order.

Members present:

Tom Pappy, Craig Arco, John Eickman, Lori Gee, Ed Myoshi, Richard Campbell, Sarah Bledsoe; Scott Bryant, Engineer; Michelle Robbins, Planner; Matt Rickett, Zoning Administrator; Staff: Jackie Keenan, Clerk.

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Mr. Eickman stated that the upcoming meetings were Tuesday, August 9, 2022, and Tuesday, September 13, 2022.

APPROVAL OF MINUTES:

June 21, 2022

Mr. Eickman stated he did not believe everyone has had a chance to review these, so they will be tabled until the next meeting.

DISCUSSIONS:

DISCUSSION:

#2021-018 –Tucker Trails Subdivision, Route 52/Route 216 (6557-04-579147)

Applicant is proposing a six-lot subdivision near the intersection of Route 52 and Route 216.

Michael Gillespie was present.

Mr. Gillespie stated this project was before the Planning Board and they have had their Public Hearing, which was opened and closed. The hold up for this one was that it was tagged for the potential of archaeological artifacts. They moved forward with an archaeological study, which took some time. They recently received that back and it indicated that there was nothing on site. This application is ready to move forward at this point. The plan has not changed since it was before the Board last.

Mr. Eickman stated he believes there were some wetland issues that the applicant has been discussing with the Town Professionals. Mr. Gillespie stated that there were wetlands, but they are not DEC wetlands, they are Federal. They are defined on the map in their particular areas. One of the issues that came up with the Town Engineer was in regard to a low spot and then a high spot in regard to the Town requirements. They are keeping everything out of the buffer and have slightly moved the house locations to get them out of the 100-foot buffer. Ms. Robbins stated that there is also a water course that is not shown on the map that should be mapped. It connects to wetland/pond areas. She does have a call into DEC because she has not received any comments on the circulation and is unsure if they have received a copy of this map and they may need to weigh in as to whether or not they are going to connect those wetlands because they are in close proximity to the DEC wetlands on either side. Mr. Gillespie said even if they are

connected, they have to ability to fit everything with any issues. Ms. Robbins stated CPL did the lot count calculation and the applicant is very close. She is unsure if the buffer was counted into it by the applicant and if that will change the line at all if the DEC decides to take this area. She stated they do have time as they can't do the resolution until September.

Ms. Gee asked what kind of a backyard the house closest to the buffer was going to have. Mr. Gillespie stated it looked to be about 33 feet. Ms. Gee stated if they put the deck on the back, they would be tight to the buffer. Mr. Gillespie stated he could move things around to provide a little bit more room in the backyard for that lot.

Mr. Campbell asked if the septic on that particular house was in the front to the left and Mr. Gillespie said yes.

Ms. Robbins stated sometimes when there are wetlands close to the proximity of the backyard the Planning Board will contemplate some sort of demarcation of the wetlands, so it is clear to the homeowner that they are not supposed to disturb beyond that point. She stated it is something that the Board may want to consider as part of the resolution approval. Mr. Campbell asked if the Town buffer and the DEC buffer where the same amount of distance. Ms. Robbins said no, the Town buffer changes based on the size of the wetland. The DEC doesn't regulate anything that is under 12.4 acres and then there is an automatic 100-foot adjacent buffer on every wetland. The Army Corps does not regulate buffers, but in this case, there are two DEC wetlands on either side of these ponds. The question will be if they are connected hydraulically and if they are then

the DEC could potentially take them as DEC wetlands. Sometimes the reason it isn't map is because it is private property, and they haven't mapped it previously. Sometimes they do depending on the aerials. The trouble is the DEC is not easy to get in touch with these days. Mr. Gillespie stated he does not believe it should be an issue because they are showing a 100-foot buffer. If this had been discussed nine months ago, he could've gotten DEC out there and gotten their opinion. He stated none of these concerns were brought up in the Town Engineer's letter. Ms. Robbins stated she is unsure why they have not received any response from DEC on the circulation. Typically, they would write something in their response letter to the circulation. Engineer Bryant stated it does show up in a letter under new comments. Mr. Gillespie stated there was no reference to DEC wetlands in that letter. Ms. Robbins stated he should be checking all jurisdictions for surrounding wetlands. It is in a DEC check zone.

Mr. Eickman asked if there were any other questions or comments. Engineer Bryant stated there was a CPL letter mentioning a 36-inch drain line. Mr. Gillespie stated it showed up on the filed map. They will get that onto there. Engineer Bryant stated he did not know if there were any easements required with that. Mr. Gillespie stated he would be looking into it. Engineer Bryant asked if he has had dialogue with DOT regarding driveway access and Mr. Gillespie stated they have provided a letter of conceptual approval a few months ago. Engineer Bryant asked if there were any notes on the plan regarding the shared aprons in terms of timing of construction. He stated the aprons can become problematic if it is not defined when they get built. Mr. Gillespie stated the intent is that the first one in will build the entire apron. There will be easements around them. He stated whatever needs to be done, including notes on the plan, will be done. Engineer

Bryant asked if they had worked out with DOT whether they would need culverts underneath the aprons. Mr. Gillespie stated no. He said it is fairly flat along there, but it would be part of the permits. Engineer Bryant stated they will need to coordinate because sometimes the permit becomes part of the conditions. He would like an answer on that so that the plan can reflect what the requirements will be. Mr. Gillespie stated they are speaking to someone who is interested in building all of these out and is pushing Mr. Gillespie to start moving the permits along. He should have that information by the next meeting.

Ms. Robbins also stated they should consider whether they want any demarcation of the wetland boundaries in the backyards. Ms. Gee stated they have done that in other cases, and she believes it is important.

Engineer Bryant asked if any of the wells have been drilled yet. Mr. Gillespie said no because he needed the Negative Declaration, and he cannot do that at this point. This is on the other side of the rail trail from the golf course. Engineer Bryant stated the golf course had a testing procedure in place for quite some time to make sure whatever chemicals the golf course was using didn't affect any of the surrounding wells. Mr. Gillespie stated they have provided a testing criterion to get approved so when they get to the next step, they can drill them. He will talk to Tonya about that.

Ms. Bledsoe stated the last time they discussed this application there was discussion as to whether or not this falls into the definition of a shared driveway because two of the lots do not

meet the minimum size for a shared driveway. Ms. Robbins stated that what was allowed on another application was making the shared portion in the separate part of the lot in the right-of-way, so it is outside the state right-of-way and then it is shared, so it is a workaround that has been allowed in the past. Ms. Gee asked if there was any negative fallout from that in the past. Ms. Robbins stated it was Hopewell Enterprises that was approved by the Board. She is not sure if there were any others that were approved like that. Mr. Gillespie stated he does not think they have all of the information as to how that has worked out logistically yet. Mr. Arco asked who was responsible for maintenance of the first part when two driveways abut like that. Mr. Gillespie stated that on the plat there will be a small rectangular easement there and there will be duties and responsibilities for each of the property owners. Mr. Arco asked if it would be whether or not there was a house there. It was an issue in the past when people thought if their house was not built yet they were not responsible, but they are because they have access to the lot. Mr. Gillespie stated that the first home will have to do what they need to do to get in and out until the second home is built. The point of this was not shared driveways so much as shared entrances to limit the curb cuts out onto the road. Ms. Bledsoe asked if there would be any issues in terms of DOT approval with individual driveways. Mr. Gillespie stated they originally proposed this application separately. The problem is then there are two curb cuts sitting right next to each other on the property lines, so it gets difficult with turning movements. Ms. Robbins stated she was not sure DOT would approve that many new driveway cuts onto a state road.

Mr. Gillespie stated they are dealing with DEC on a number of projects with delineation. Ms. Robbins asked who he was dealing with, and Mr. Gillespie stated it is several different people

because it is different counties. He stated he could get Ms. Robbins the contact information for one of them.

Ms. Gee asked if he knew where the realignment of Route 216 and Route 52 would be coming in and if it would affect any of these driveways. Mr. Gillespie stated he has not seen any of those plans. He stated it should be on the other side of this property. Ms. Gee asked if the aprons of any of these lots would get affected with its re-alignment. He stated he believed it should be after the aprons. He stated that did come up during DOT's review to make sure that that would not happen. Even with a roundabout there it still should not affect these driveway locations as they are so far away from the intersection.

Mr. Eickman asked if there were any other questions or comments. There were none.

DISCUSSION:

#2022-035 –McDonald's, 967 Route 376 (6358-02-570572)

Applicant is applying for an Amended Site Plan to add a side-by-side drive thru.

No one was present.

Ms. Robbins stated that this applicant is on the schedule for a Public Hearing at the next meeting. They did submit revised plans with minor revisions based on the last meeting. She did tell them they did not necessarily have to attend tonight's meeting. They did get a letter from CPL stating that they have pretty much resolved all of the comments. They will be able to fill in the Board at the next meeting with what they modified and then they can open the Public Hearing.

DISCUSSION:

#2022-039 – Thom Subdivision, 87 Stormville Road (6557-02-628790)

Applicant is has submitted for a 3-lot subdivision on 6.79 acres in a R-1 Zone.

Mr. Gillespie and Mr. Thom were present.

Mr. Gillespie stated this is a three-lot subdivision off of Stormville Road right by the intersection of Bykenhulle Road. He believes last time he presented to the Board everything was fine with the layout but there is an existing barn that sits at the front of the property and with the proposed layout with a flag lot in the rear, they are creating a large nonconformity in terms of the side yard setback. They were required to go to the Zoning Board of Appeals. They are trying to keep the old buildings in the area, and some are very close to the road. They did obtain their area variance so now they are back before this Board relative to the subdivision itself. They are in the middle of circulation for Lead Agency, which went out two weeks ago. They are looking to schedule a Public Hearing if possible. He understands August is a tough month for the Board, so they were hoping to move it to September.

Mr. Eickman asked if there were any questions or comments. Mr. Arco stated that the driveway that is U-shaped appears to go over the property line to the back lot. He asked if it was going to be removed. Mr. Gillespie said yes, they are removing a portion of the driveway. In the driveway that goes back to Lot Three there was a utility pole in the way, so they had to go around it on the plans. They are trying to maintain one curb cut off of Stormville Road for each lot. Mr. Campbell asked

if the curb cut was the one in the middle and Mr. Gillespie said yes.

Mr. Eickman asked Ms. Robbins if they could schedule a September hearing at this point. Ms. Robbins' suggestion was to wait until they declare Lead Agency, which will be at the next meeting.

Engineer Bryant stated that Lot One is not showing if there were any site distance issues onto Stormville Road. Mr. Miyoshi stated it is a straightaway and it should not be an issue. Mr. Gillespie stated the driveways would be staked out by the end of the week for the Highway Superintendent.

Ms. Gee asked if the variance was for the barn or for one of the houses. Mr. Gillespie stated it is for the barn. Engineer Bryant asked if the barn was in good condition. Mr. Thom stated that the barn is from the 1800s. It has nice stone work and it is solid. He will be putting a new roof on it as well. Ms. Gee asked if there was enough land to maintain it all the way around or if it needed a small easement on to the adjoining property. Mr. Gillespie stated right now the property is all in the family and will not be an issue. It is 2.1 feet from the property line. He stated an easement is a good point.

Engineer Bryant asked if the stone wall that appears to run parallel for the majority of the driveway to Lot Three is remaining. It appears to follow the southern property line. Mr. Gillespie stated for now it will remain.

Mr. Eickman asked if there were any further questions or comments and there were none.

SKETCH PLAN:

#2022-036 – MBC Properties, Donovan Drive (6455-00-265426)

Applicant is proposing a contractors' yard in the I-1 Zone with a 40' X 60' prefab metal building with 4 bays and a total of 6 outdoor commercial vehicle parking spaces.

Brian Stokosa and Brad Schneider were present.

Mr. Stokosa stated this application was in front of the Board two months ago. They are proposing a contractor storage area. Originally, they had processing on-site but, based upon the response from the Board and with the variances from the ZBA and other agency involvement they have disregarded processing on-site. After talking with the applicant, without the processing component they tried to push the proposed building towards the center of the parcel so they can circulate around the it. The building remains at 40' x 60' with a couple of parking spaces in the front. The cross hatched area on the map would be dedicated for contractor storage. There will be no flammable materials on site and no mechanical repairs inside the building. They did not have a tenant yet, but they tentatively show four bays. There will probably be a relatively light office component. Vehicles remaining on-site would be dump bodies, triaxles, landscape trailers, and anything utility based, and it would be in the cross hatched area. Screening will remain around the site and there is a 50-foot buffer to the residential boundary towards the north and towards the east. They will leave the pine trees along three sides and the front entrance will have a gate for a private entrance into the site and aid as a visual buffer into the site.

Mr. Eickman asked if the fence was around the entire perimeter. Mr. Stokosa stated because of the

natural terrain they will just have the fence and the gate in the front. The screening will be towards the East with an elevated berm with pine trees. Around the site there will be pine trees in the back as well as the existing vegetation. With how they are proposing grade there is approximately a 14-foot drop from the rear property line into the storage area so there is a natural terrain to act as a buffer as well. Mr. Campbell asked if the nursery school was close to them. Mr. Stokosa stated the nursery school is across the street and towards the northeast. They did try to push this proposal back and away from that component. Since it will be mostly vehicle storage as with any contractor business they are out of the site during the day and returning at night.

Ms. Robbins asked why they are not putting asphalt parking behind the building. Mr. Stokosa stated they have not discussed that option with the applicant. They were just getting different ideas at this point. It is something they can entertain as they move forward. They will be doing their due diligence. The applicant has not gone through the actual purchase, but they are just trying to get a feel from the Town at this point. They are open to repositioning concepts on the property. They are just looking for feedback at this point.

Mr. Campbell asked what they estimate the daily trip vehicles per day would be. Mr. Stokosa stated they do not have a tenant for the space but typically with most contractor they like to be out on the job site between seven and eight. There is no specific use.

Mr. Miyoshi asked if there would be something in place to trap oil and anti-freeze dripping out of the vehicles. Mr. Stokosa stated the reason for having parking in the front was to have some of the

heavier equipment in the front. The areas of asphalt on the downward side have curbing and catch basins so there will be a storm water management treatment area. They are over the one acre of disturbance threshold so there will be a SWPPP.

Mr. Arco asked what kinds of vehicles would be stored. Mr. Stokosa stated standard landscaping equipment, triaxles, trailers, and some service trucks and utility trucks. Mr. Arco asked about trucks warming up in the morning before heading out. He stated the daycare would probably have a big issue with that. Mr. Stokosa stated they could address that with timing or limited idle times. They do plan on coordinating with the daycare. When they go out for an updated survey, they will locate the building and the play area in the back, so they have perspective on how far away they are from the daycare. Mr. Arco asked if there was any blasting required to contour the land. Mr. Stokosa stated it will be just excavated earthwork with a track mounted excavator over the course of time.

Ms. Robbins stated this is a permitted use in an I-1 district with some general use regulations. This is not a formal application at this point, but she will circulate around the general use regulations that are required for contractors' yards to meet. That will give the Planning Board some discretion for this particular use requiring buffering or screening. There is language regarding stored vehicles and that parking overnight must be in approved parking spaces, so that needs to be located. There is some discretion as to whether or not the Board wants things inside or outside. That way the Board will know what they need to request for site plan approval if the applicant decides to move forward.

Mr. Campbell asked if they get their CO, does the Town require that once they get a tenant, the tenant comes to the Town to get a permit to operate inside the building. Engineer Bryant stated in the case of the strip plaza they have to take out occupancy permits. He is unsure if single users are required to do that. He asked Mr. Stokosa if this was intended to be a single user. Mr. Stokosa stated it could be either. Engineer Bryant stated he believes multiple users would require occupancy permits. Engineer Bryant stated it looks like the building is separated into three sections. Mr. Stokosa stated that is potential bay locations. They did want to show the concept that there could be multiple tenants. It will be market driven. Right now, it is flex space at 2400 square feet. Engineer Bryant asked if there was one vacant space between this applicant and the daycare and Mr. Stokosa said yes, to the east. Engineer Bryant stated another contractor in the area wanted to do snow removal and they wanted to have a salt shed. If that is contemplated at some point, it would have to come back before the Planning Board.

Ms. Gee stated there is a loading zone next to the building. She asked if they were anticipating tractor-trailers or small trucks coming in. Mr. Stokosa stated when they laid out the building and positioned the parking the assumption was that a lowboy would be coming in. That will probably be the biggest thing able to make that turning radius. If there is a bigger piece of equipment coming in it would have to circle around the building and exit on the lower side.

Engineer Bryant asked if the garage bay doors would be in the back and Mr. Stokosa said yes.

Engineer Bryant asked if they had looked at storm water yet. There is quite a bit of impervious surface being created. Mr. Stokosa stated what they marked is just a rough concept to start. There is a snow easement to the east near the entrance. It is shared on both lots. There is an existing ditch line, and they are trying to work with the grade and the elevation to get the storm water as close to the low point as possible, which is the entrance area. The storm water could potentially go under the entrance to help facilitate moving water through the system. Engineer Bryant stated when they get that sized, it could potentially change what the front of this application looks like. He stated that Brew Nation, right down the road, has a sizable pond. Mr. Stokosa stated if they need to make the system bigger it would push underneath the pavement and it would be an h20 rated structure.

Ms. Gee stated if employees are going to park their private vehicles and then take the vehicle out, they may need more spaces than what is being shown currently. Employee parking needs to be shown on the map. Mr. Stokosa stated they could show that on the map.

Ms. Robbins stated that one of the general use requirements is that every vehicle be in some sort of space so each space will need to be demarcated. There may be some limit on the number of vehicles kept on site. Ms. Gee stated she could imagine double stacking for employee parking working for the site.

Engineer Bryant asked if this Board issues the Excavation Permit or if the applicant needs to go to the ZBA. Ms. Robbins stated the applicant is allowed to go for relief from the ZBA for their requirements. The applicant wanted to go to the ZBA for processing as a use variance that they are

no longer doing that. She stated this Board can issue the Excavation Permit as part of the site plan approval. Engineer Bryant stated they're looking to take out approximately 2400 yards of material, which would require an Excavation Permit. Ms. Robbins stated that it needs to be noted in their Public Hearing Notice.

Mr. Eickman asked if there were any additional questions or comments. Mr. Schneider stated in preparation for this they did approach the daycare and spoke to the woman in charge. They did walk through the building and 99% of where the children play is behind the building. The daycare employee stated during the day the children probably make more noise than the site will generate. She stated the kids love it when garbage trucks go by and asked if they would be allowed to bring the children over occasionally to take a look and he said yes.

Mr. Eickman asked what the distance from any residential structure was. Mr. Schneider stated there is lots of vacant land behind the property. According to their computer projections the homes are both approximately 700 feet away with wooded property in between.

Mr. Eickman asked if there was any other business to come before the Board. There was none.

ADJOURNMENT

MOTION made by Richard Campbell, seconded by Lori Gee, to adjourn the Planning Board meeting. Voted and carried unanimously.

Respectfully submitted:

_____,
Julie J. Beyer, Meeting Secretary
East Fishkill Planning Board